

General Permit No.: SC GP 80-14-001 (Revised)

Name of Applicant: South Carolina Electric and Gas Company & Land Owners adjacent to Lake Murray

Effective Date: July 31, 1996

Expiration Date: July 31, 2000

**South Carolina Department of Health and Environmental Control
General Permit**

A General Permit to perform work in or affecting the navigable waters of South Carolina, pursuant to regulations and procedures established under R. 19-450, et seq., Code of Laws of South Carolina, 1976, as amended, is hereby issued by the South Carolina Department of Health and Environmental Control (SCDHEC) to:

South Carolina Electric and Gas Company

to authorize the construction, repair and maintenance of private noncommercial piers, docks, boat ramps, marine railways for dry storage, bulkheads, retainer walls and riprap for erosion control, and minor excavation by:

Lake Front Property Owners
adjacent to the waters of LAKE MURRAY
in Richland, Lexington, Saluda and Newberry Counties, South Carolina

This General permit is subject to the following conditions:

I. General Conditions:

A. Structures authorized by this General Permit shall be private, noncommercial, simple piers, docks, marine railways for dry storage, boat ramps, bulkheads, retainer walls, rip-rap for erosion control and minor excavation conforming to the standards contained herein. Other construction of any kind within the waters of Lake Murray including major excavation or filling is not authorized by this document.

B. All activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and any variance or activity not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension, or revocation of this permit, and in the institution of such legal proceedings as the SCDHEC may consider appropriate.

C. The structure owner must make every reasonable effort to prosecute the work authorized

herein in a manner so as to minimize any adverse impact of the work on fish, wildlife, and natural environmental values or historic or prehistoric values.

D. The structure owner must prosecute the work authorized herein in a manner so as to minimize any degradation of water quality.

E. The structure owner shall permit State law enforcement personnel, representatives of the SCDHEC or other authorized State permit inspectors to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

F. The structure owner shall maintain structures authorized herein in good condition.

G. This General Permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or Local laws or regulations or Federal Energy Regulatory Commission regulations, nor does it obviate the requirement to obtain local or the South Carolina Electric and Gas Company assent or to comply with any applicable standards required by ordinance for the construction of structures authorized herein. South Carolina Electric and Gas Company and other appropriate governmental authorities are not limited by this document and may impose more stringent requirements than those stated herein as deemed appropriate.

H. This General Permit may be either modified, suspended, or revoked in whole or in part if the SCDHEC determines that such action would serve the public interest, and such modification, suspension or revocation shall not be an act entitling the permittee to compensation for any claimed loss as a consequence of such regulatory action, under any circumstances, this permit being issued solely as an accommodation to the permittee, and being revocable as conditions may warrant.

I. No attempt shall be made by the structure owner to prevent reasonable use by the public of all navigable waters adjacent to the activity authorized by this permit.

J. If the display of lights and signals on any structure authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the structure owner.

K. A structure owner who desires to abandon an authorized structure, or who permits a structure to fall in to a state of disrepair such that it no longer conforms to the conditions of this permit, may be required to remove the structure.

L. There shall be no unreasonable interference with navigation by the existence or use of structures authorized herein.

M. Once the project is initiated, it must be carried to completion in an expeditious manner in order to minimize the period of disturbance to the environment.

N. Structure owners are advised of the possibility that piers, docks, boat ramps, marine railways for dry storage, bulkheads, retainer walls, and rip-rap for erosion control may be subject to damage by wave wash from passing vessels. The issuance of this General Permit does not relieve structure owners from taking all proper steps to insure the integrity of their structures permitted hereby and the safety of boats moored thereto from damage by wave wash, and the structure owners shall not hold the SCDHEC liable for any such damage.

O. A structure owner upon receipt of a notice from the SCDHEC of failure to comply with the terms, conditions, or standards of this General Permit shall, within sixty (60) days (unless circumstances require more expeditious action to protect public health, safety, or environment) without expense to the State of South Carolina and in such manner as the agency may direct, effect compliance with terms, conditions, and standards or remove the structure from Lake Murray.

P. This General Permit relates only to simple, noncommercial piers, docks, boat ramps, marine railways for dry storage, bulkheads, retainer walls, rip-rap for erosion control, and minor excavation and does not convey the right to place any closed structure or structures for any nonwater related use on or adjacent to the pier, dock, boat ramps, marine railways for dry storage, bulkheads, retainer walls, and rip-rap for erosion control without prior SCDHEC authorization.

Q. This General Permit authorizes the construction and continued use of certain structures in the navigable waters of Lake Murray by landowners adjacent to Lake Murray. This authorization is a revocable privilege and if changed circumstances warrant, the SCDHEC may revoke such privilege and require removal of a structure at the expense of the owner.

R. The Permittee must notify the South Carolina Institute of Archaeology and Anthropology (Mr. Christopher Amer [803] 777-8170) in accordance with South Carolina Underwater Antiquities Act of 1991 (Article 5, Chapter 7, Title 54 Code of Laws of South Carolina, 1976) in the event archaeological or paleontological remains are found during the course of work. Archaeological remains consist of any materials made or altered by man which remain from past historic or prehistoric times (i.e., older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, structures, or nonrecent (i.e., older than 100 years) vessel ruins. Paleontological remains consist of old animal remains, original or fossilized, such as teeth, tusks, bone, or entire skeletons.

S. The Permittee must notify the South Carolina Department of Archives and History (Ms. Nancy Brock, [803] 734-8577, Historic Preservation Division, Post Office Box 11669, Columbia, South Carolina 29211) if any archaeological materials are encountered during the course of the work. Archaeological materials consists of any items, fifty years or older, which were made or used by man. These items include, but are not limited to stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal and glass objects, and human skeleton remains. These materials may be present on the ground surface and/or under the surface of the ground.

T. Prior to beginning any land disturbing activity, appropriate erosion control measures, such

as silt fences, silt barriers, or other devices must be placed around the construction area and maintained in a functioning capacity until the area is permanently stabilized.

II. **Special Conditions:** The following conditions set forth minimum criteria and do not preclude the establishment of more stringent criteria by appropriate authority or agreement.

A. **Docks and Piers**

1. Private docks, whether fixed, floating, or a combination of both, may generally be up to 450 square feet in overall size (surface area) but in no event may they extend beyond the lesser of: 1) seventy-five (75) feet in length from the normal lake shoreline or 2) one third the distance across the affected waterway. Docks and piers shall not interfere with navigation, ingress or egress to adjoining property or be in any manner hazardous. In some locations, such as narrow coves, the maximum size may not be permitted or structures may not be permitted at all if conditions are deemed unsuitable by the Department. Floating docks may be moved out as the water level recedes, provided they are secured by cables well marked with high visibility flagging to anchors on land and provided they are returned as the water level rises.

2. A variance in the dimensions related to the length of piers and docks may be granted where shoreline or lake characteristics or conformity with existing structures makes conformance to those requirements impractical and other requirements of this permit are met. This variance will be considered approved for the purposes of this General Permit upon approval by South Carolina Electric and Gas on a case by case basis.

3. All permanent docks must be built horizontally between an elevation of 360 and 362 foot contour.

4. Docks and piers shall be located a minimum of fifteen (15) feet from adjacent property lines and the project length should not encroach across the imaginary waterward extension thereof. Common use docks, between adjacent property owners, are encouraged. The sideline limitation of 15 feet will be waived for existing or proposed common use docks. A copy of the written agreement between participating property owners must be furnished to the South Carolina Electric and Gas Company.

5. Handrailing is permissible provided that the sides are not enclosed. Obstruction of cross vision (ability of boater to see objects/persons on the other side of the structure) is prohibited. Covers on docks will not exceed 120 square feet in area.

6. Enclosed docks are not permitted. No sinks, toilets, showers, fueling systems/ pumps or any other type of equipment or construction which will create or cause any liquid or solid waste to be discharged into the waters of the lake is permitted.

7. Flotation for floating docks shall be encased or encapsulated flotation. Styrofoam billets, barrels or similar devices are not permitted.

8. Houseboats used for habitation may not be permanently moored at private docks.

Permanent mooring must be at marinas with waste pumping and treatment facilities.

9. White reflective tape or white reflectors are required and must be maintained on each outermost waterward corner of the dock or pier and every ten (10) feet on both sides of the length of the pier.

B. Boat Ramps

1. Ramps must be constructed of reinforced concrete with a minimum thickness of 4". Asphalt compounds or petroleum base products are prohibited.

2. All ramps should be located as not to interfere with neighboring property owners unless adjoining property owners agree to common use of the ramp. A copy of the written agreement between participating property owners must be furnished to the South Carolina Electric and Gas Company.

3. Ramps may generally be up to 12 feet wide and required length to be functional. Public and semipublic ramps may be granted a variance. A variance will be considered approved for purposes of this General Permit upon approval by the South Carolina Electric and Gas Company on a case by case basis.

4. Ramps should conform to the existing topography, to the extent practicable, to minimize slope alterations. Excessive cut and/or fill to achieve the desired slope is not authorized.

5. Upon completion of construction activities, all disturbed areas which are not paved must be restored to their original contours and must be permanently stabilized with a vegetative cover. This may include sprigging, trees, shrubs, vines or ground cover.

C. Marine Railways Marine railways to be constructed for access to the lake from dry storage facilities located above the 360 foot contour are permitted. Railways constructed below the 360 foot contour are restricted to 2 foot elevation above the natural lake basin.

D. Bulkheads or Retainer Walls

1. Bulkheads or retainer walls for erosion control must be constructed on the 360 foot contour or above the 360 foot contour. Earthen fills below this contour are prohibited.

2. Bulkheads or retainer walls for erosion control must be constructed from pressure treated wood or concrete.

3. Bulkheads must generally follow the project boundary, to the extent practicable, and

must be placed against the existing erosional scarp and landward of any wetland vegetation to prevent the loss of wetlands.

4. Bulkhead backfill must consist of clean earthen materials free of all potential sources of pollution.

5. The backfilled area must be stabilized with a vegetative cover after construction to minimize erosion.

E. Riprap

1. Riprap for erosion control must be constructed on the 360 foot contour or above the 360 foot contour.

2. Riprap for erosion control must consist of clean stone or masonry material free of all potential sources of pollution. Material must be approved by the South Carolina Electric and Gas Company.

3. The riprap may not exceed an average of one cubic yard per running foot placed along the bank in navigable waters.

F. Minor Excavation

1. The quantity of the soil to be excavated must not exceed 150 cubic yards for each site.

2. All excavating must be done directly in front of the individual's lot.

3. No excavation will be permitted when the excavation site is covered with water.

4. All displaced soil must be moved to an upland location above the 360 foot contour and must be permanently stabilized to prevent erosion.

5. All excavation must be limited to that work necessary for reasonable access to deep water. All access channels must generally be perpendicular to the shoreline and not parallel to it. All access channels must be aligned to avoid ecologically sensitive areas, such as vegetated wetlands.

6. Access channels must be limited to a maximum bottom width of 10 feet. Side slopes should be excavated to a slope of 3 to 1, except where safety requirements may dictate a greater slope.

7. Any proposed excavations exceeding 50 cubic yards will require a notice be furnished to the S.C. Department of Natural Resources and the U. S. Fish and Wildlife Service for a 30 day review and comment period. In the absence of any finding of significant adverse impacts on fish and wildlife resources during this 30 day period, the applicant will be allowed to proceed without further

notice. If there are findings of significant adverse impacts, then the applicant will not be allowed to proceed under the terms of this General Permit and will be required to apply for an individual permit.

8. Connection canals excavated above the 360 foot contour connecting to the main body of the lake are not included in this general permit.

III. Required Authorization

A. Each person seeking authorization for the activities described in this General Permit must first obtain approval for such activities from the South Carolina Electric and Gas Company. In obtaining authorization, each person shall provide notice of the proposed activity to all landowners immediately adjacent to the property upon which the activity is to occur and shall submit to the South Carolina Electric and Gas Company written evidence that such notice has been provided. Failure to provide such evidence shall preclude authorization under this General Permit.

B. If structures authorized under this General Permit are located on or adjacent to South Carolina State Highway right-of-way, the South Carolina Electric and Gas Company shall, prior to the granting of assent or authorization to proceed with such structure, notify in writing, in sufficient detail, the South Carolina Department of Transportation of the location and nature of such structure.

IV. Penalties for Violation Authorization obtained under this General Permit limits the size, length and use of structures. Any deviation from the specifications or other terms or conditions of the General Permit would constitute a violation of regulations and could result in removal of the structures or work and restoration of the waterway to its former condition and/or imposition of penalties as provided by law.

V. Revocation of General Permit This General Permit may be withdrawn by issuance of a public notice at any time the SCDHEC determines that the singular or cumulative effects of the activities authorized herein have an adverse effect on the public interest. Following such revocation any future activities in areas covered by this General Permit will be processed as individual permits.

VI. Reporting of Activities Authorized by the General Permit The South Carolina Electric and Gas Company shall furnish the South Carolina Department of Health and Environmental Control a monthly tabulation of all activities authorized under this General Permit, including the location and type of work performed. The report is due by the 25th day of the following month.

VII. Duration of the General Permit This permit will cover activities started within five (5) years

and completed within six (6) years after the date of issuance unless this permit is revoked in the interim. A revocation of the General Permit will not affect the work that had been authorized when the General Permit was in effect.

This General Permit shall become effective on the date signed by the SCDHEC.

By Authority of the South Carolina Department of Health and Environmental Control

_____ Signature	_____ Date
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Title